

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

**DAPHNE SNOOK**

**Plaintiff,**

**v.**

**MIDD-WEST SCHOOL DISTRICT, et al.**

**Defendants.**

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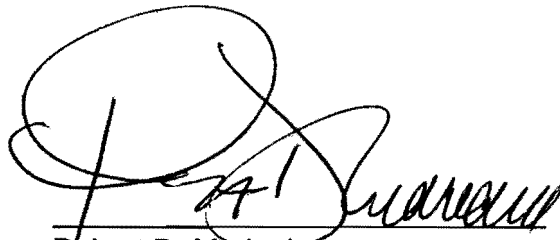
**4:14-CV-948  
(JUDGE MARIANI)**

**ORDER**

**AND NOW, THIS 16TH DAY OF MARCH, 2015**, upon consideration of Defendants Midd-West School District, Victor Abate, Ronald Wilson, Ronald Hoffman, Shawn Sassaman, Corey Smith, Jeremy Tittle, Sherryl Wagner, and Nancy Kroh's Motion to Dismiss Plaintiff's Amended Complaint (Doc. 13) and all accompanying briefs, **IT IS HEREBY ORDERED THAT** the Defendants' motion is **GRANTED IN PART AND DENIED IN PART**, to wit:

1. Defendants' motion is **DENIED** as to Count I (First Amendment Retaliation) of Plaintiff's Amended Complaint.
2. Defendants' motion is **DENIED** as to Count II (Fourteenth Amendment Procedural Due Process) of Plaintiff's Amended Complaint.
3. Defendants' motion is **GRANTED** as to Count III (Fourteenth Amendment Substantive Due Process) of Plaintiff's Amended Complaint. Plaintiff's Fourteenth Amendment substantive due process claim is **DISMISSED WITH PREJUDICE**.

4. Defendants' motion is **DENIED** as to Count IV (Pennsylvania School Code) of Plaintiff's Amended Complaint.
5. Defendants' motion is **DENIED** as to Count V (Breach of Contract) of Plaintiff's Amended Complaint.
6. Defendants' motion is **GRANTED** as to Count VI (Defamation) of Plaintiff's Amended Complaint. Plaintiff's Defamation claim is **DISMISSED WITHOUT PREJUDICE**.
7. Defendants' motion is **GRANTED** as to Count VII (Abuse of Process) of Plaintiff's Amended Complaint. Plaintiff's abuse of process claim is **DISMISSED WITH PREJUDICE**.
8. Defendants Victor Abate, Ronald Wilson, Ronald Hoffman, Shawn Sassaman, Corey Smith, Jeremy Tittle, Sherryl Wagner, and Nancy Kroh are **DISMISSED** in their official capacities from Count I, Count II, and Count III.
9. Plaintiff is **HEREBY GRANTED 14 days from the date of this Order** to file a Second Amended Complaint as to Count VI.



Robert D. Mariani  
United States District Judge